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Attorneys for Plaintiff and Counterdefendant ENTRATA, INC. (f/k/a PROPERTY SOLUTIONS INTERNATIONAL, INC.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

ENTRATA, INC. (f/k/a PROPERTY SOLUTIONS INTERNATIONAL, INC.),
a Delaware corporation,

Plaintiff,

vs.

YARDI SYSTEMS, INC., a California corporation,

Defendant.

AND RELATED COUNTERCLAIM

Civil Action No. 2:15-CV-00102-CW-PMW

**ENTRATA, INC.'S STATEMENT OF
NONOPPOSITION IN RESPONSE TO
YARDI SYSTEMS, INC.'S MOTION
FOR LEAVE TO ADD
COUNTERCLAIMS**

HON. CLARK WADDOUPS, DISTRICT JUDGE

HON. PAUL M. WARNER, MAGISTRATE JUDGE

Plaintiff and counterdefendant Entrata, Inc. (“Entrata”) hereby responds to the “Motion for Leave to Add Counterclaims” (Document No. 68; the “Motion”) filed in the above-captioned action (the “Action”) by defendant and counterclaimant Yardi Systems, Inc. (“Yardi”) on December 1, 2016.

Although Entrata disputes the allegations and will, in time, challenge the propriety of the claims asserted in Yardi’s counterclaims, Entrata does not oppose Yardi’s Motion, which purports to seek leave to file the counterclaims. Entrata, over Yardi’s objection, has itself previously acknowledged that leave to amend claims should be freely given.

Yardi did not make any effort to meet and confer with Entrata before filing the Motion. Had it done so, Entrata would have communicated its consent and obviated the need for the present Motion.

The purpose of the Motion is unclear. It purports to seek leave to add counterclaims, but Yardi filed a five-count counterclaim with its answer (Document No. 69), and did so concurrently with the filing of the Motion. When Yardi filed its answer and counterclaim, however, Yardi failed to select the “Counterclaim” filing event in in the Court’s electronic filing system. Consequently, when Entrata filed its answer to Yardi’s counterclaim (Document No. 74, filed December 9, 2016), it could only do so by selecting the “Response” filing event; “answer” was not available because of Yardi’s filing error described above.

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Entrata's answer to Yardi's counterclaim closes the pleadings. The present statement of nonopposition disposes of Yardi's curious Motion. The case can and should now proceed without delay.

DATED: December 13, 2016

Respectfully submitted,

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